

REMARKS

At the time of the Office Action, Claims 1, 19-22, 34-47, 72-76, 86-98, and 100 were pending in the application. In the Office Action, the Examiner rejects Claims 1, 19-22, 34-47, 72-76, 86-98, and 100. Applicants have herewith amended claims 1, 19-22, 36, 37, 39, 40, 47, 73-76, 88, 89, 91, and 92. Entry of the amendments is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, first paragraph

The Examiner rejects Claim 72 under 35 U.S.C. § 112, first paragraph. The Examiner asserts that "... after the announcement of the current bid" is not sufficiently described in the specification and claim 72 fails to comply with the written description requirement as a result. Applicants traverse this rejection and respectfully request reconsideration and allowance of Claim 72.

Claim 72 recites: The method of claim 47 ... further comprising allowing the particular user to retract the at least one bid within a pre-determined time period after the announcement of the current bid.

Applicants' specification provides support for claim 72 at paragraphs [0050] and [0062]-[0063]. At paragraph [0062], applicants discuss that a bidder may be allowed to retract his bid by pressing on, e.g., Retract button 546 of Fig. 5, before the bidding period expires. At paragraph [0050], Applicants discuss that a pre-determined time period during which bids may be accepted, the bidding period, may be calculated at step 404. The pre-determined time period may be calculated based on the current highest bid. At paragraph [0063], Applicants discuss the auctioneer announcing the current highest bid. Therefore, in this instance, the specification discloses that a bidding period, during which a bid may be retracted, begins with the receipt and/or announcement of the current highest bid and expires a pre-determined time after the receipt and/or announcement of the current highest bid, as recited in claim 72.

Claim Rejections - 35 U.S.C. § 112, second paragraph

The Examiner rejects Claims 36, 37, 39, 88, 89, and 91 under 35 U.S.C. § 112, second paragraph. The Examiner asserts that these claims are indefinite because they recite the term “if” without reciting what happens when the condition is false or the relative term “substantially.” Applicants have amended claims 36, 37, 39, 88, 89, and 91 therewith removing the terms “if” and “substantially.” Applicants submit that these claims, as amended, are not indefinite.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1, 19-22, 34, 35, 47, 73-76, 86, 87, and 100 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0128952 A1 to Melkomian, et al. (“*Melkomian*”) in view of U.S. Patent No. 6,134,548 issued to Gottsman, et al. (“*Gottsman*”). Applicants respectfully traverse.

Claim 1, as amended recites, inter alia,

An apparatus for implementing an automated auction process, the apparatus comprising:

- a processor ... operable to:
 - receive a first bid for an item from a workstation associated with a user;
 - cause the first workstation to display the first animated character as an animated auctioneer that announces the first bid for the item;
 - receive a second bid for the item from a workstation associated with another user;
 - determine that the second bid is a current highest bid for the item; and
 - cause the animated auctioneer to announce the second bid for the item based at least in part on determining that the second bid is a current highest bid for the item.

The apparatus of claim 1 is therefore operable to cause an interface screen to be displayed that includes an automated auctioneer that announces a first bid from a user and a second bid from another user when the apparatus determines that the second bid is the current highest bid for the item. Applicants submit that the cited references fail to disclose or otherwise suggest this feature.

The Examiner asserts that *Melkomian* discloses an automated auctioneer operable to announce a current bid for an item with reference to paragraphs 63, 70, and 155, and the

abstract. Applicants disagree. *Melkomian* discusses “a computer based system” that allows “multiple users to participate on a virtual trading floor environment utilizing the open outcry method, as a direct substitute for an actual trading floor.” (Paragraph 29, 31). In this system, “each trader’s body is an iconic representation which can be in the form of an avatar that will display his/her badge number/floor name and their position.” (Paragraph 29). Accordingly, in the *Melkomian* system, each user has an avatar that announces the particular user’s own bids. *Melkomian* therefore does not teach causing an automated auctioneer to announce the first bid from a user and a second bid from another user. Moreover, *Melkomian* does not teach determining that the second bid is a current highest big in relation to other bids received as a condition to announcing the second bid.

In rejecting Claim 47, the Examiner employs the same rationale used above with respect to Claim 1. Accordingly, the cited references fail to obviate claim 47 for at least the reasons stated above with respect to Claim 1.

Claims 19-22, 34, 35, 73-76, 86, 87, and 100 depend from independent claims shown above to be allowable. In addition, these claims recite further elements that are not taught, suggested, or disclosed by the cited references.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections.

The Examiner is invited to contact the Applicant's undersigned representative at 212-829-5407 to expedite prosecution.

Respectfully submitted,

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